

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ELIZABETH KAY SEARS,)
)
Petitioner,)
)
vs.) NO. CIV-17-1195-HE
)
)
DISTRICT ATTORNEY,)
)
)
Respondent.)

ORDER

Petitioner, a state prisoner appearing *pro se*, filed a writ of habeas corpus under 28 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Charles B. Goodwin for initial proceedings. Judge Goodwin twice ordered petitioner to pay the \$5.00 filing fee or file an application for leave to proceed *in forma pauperis*. Petitioner never responded to the court's order. Judge Goodwin has issued a Report and Recommendation recommending that petitioner's petition be dismissed without prejudice.

Plaintiff has failed to object to the Report, thereby waiving her right to appellate review of the factual and legal issues it addresses. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see also* 28 U.S.C. § 636(b)(1)(C).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #8]. The Petition for Writ of Habeas Corpus [Doc. #4] is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 12th day of February, 2018.



Joe Heaton
CHIEF U.S. DISTRICT JUDGE